

FILED

FEB 20 2018

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

Clerk, U.S. District Court
District Of Montana
Great Falls

UNITED STATES OF AMERICA,

CR-11-27-BMM

Plaintiff,

vs.

CHAREYA RITA MARY DENNY,

Defendant.

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on January 31, 2018. (Doc. 86.) No party filed objections.

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on January 30, 2018. (Doc. 82.) The United States accused Denny of seven violations of the conditions of her supervised release. (Doc. 86 at 1.) Denny admitted to five of the violations,

including violations: 1) failing to attend substance abuse treatment, 2) failing to attend mental health treatment, 3) failing to participate in substance abuse testing, 4) failing to notify her probation officer of her change in residence, and 7) consuming alcohol. (Doc. 86 at 5.) Ms. Denny additionally admitted to violation 5 (committing another crime) to the extent that the petition alleged resisting arrest, reckless driving, and driving while suspended. *Id.* Denny denied committing the crime of criminal possession as alleged in violation 5. *Id.* Judge Johnston found that her admissions to the other crimes alleged, however, established that she had committed violation 5. *Id.* at 5, 7. Denny denied violation 6 entirely. *Id.* at 5.

Judge Johnston has recommended that the Court revoke Denny's supervised release and commit Denny to the custody of the Bureau of Prisons for fourteen months. (Doc. 86 at 7.) Judge Johnston recommended that Ms. Denny serve her custodial sentence at the Federal Correctional Institution in Dublin, California. *Id.* Judge Johnston further has recommended that no term of supervised release follow this custody period. *Id.*

These violations prove serious and warrant revocation of Denny's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 86) is **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Chareya Rita Mary Denny
be sentenced to custody for fourteen months, with no supervised release to follow.
The Court recommends that Ms. Denny serve her sentence at the Federal
Correctional Institution in Dublin, California.

DATED this 20th day of February, 2018.



Brian Morris
United States District Court Judge